

UNITED STATES DISTRICT COURT

Southern

District of

New York

Javier Cesario and  
Fernando Martinez

V.

SUMMONS IN A CIVIL ACTION

BNI Construction, Inc.,  
Mikial Abdur-Rahim and  
Musa Last Name Unknown.

CASE NUMBER:

07 CIV 8545

JUDGE STANTON

TO: (Name and address of Defendant)

BNI Construction, Inc.,  
300 West 147th St., Suite 1C  
New York, New York 10039

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Kerin E. Coughlin, Esq.  
Constantine Cannon LLP  
450 Lexington Avenue, 17th Fl.  
New York, New York 10017

Elena Goldstein, Esq.  
New York Legal Assistance Group  
450 West 33rd Street, 11th Fl.  
New York, New York 10001

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

10/2/2007

CLERK

DATE

*Marcos Quintero*

(By) DEPUTY CLERK

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JAVIER CESARIO and )  
FERNANDO MARTINEZ, )  
Plaintiffs, ) Case No. 07 Civ. 8545 (LLS)  
v. ) ECF Case  
BNI CONSTRUCTION, INC., )  
MIKIAL ABDUR-RAHIM and )  
MUSA LAST NAME UNKNOWN, )  
Defendants. )  
)

**CERTIFICATE OF  
SERVICE**

I, **BRITTANY VOGEL**, am over the age of eighteen years and not a party to the above-referenced matter. I am an employee of Hinman Straub PC, 121 State Street, Albany, New York 12207.

On October 25, 2007, I caused the Summons and Complaint in the above-captioned matter to be served on defendant BNI Construction, Inc. ("BNI"), 300 West 147<sup>th</sup> Street, Suite 1C, New York, New York 10039, by delivering to and leaving with a person authorized by the secretary of state to receive such service, at the office of the Department of State in the city of Albany, duplicate copies of said Summons and Complaint together with the statutory fee, pursuant to New York General Business Law Section 306(b)(1).

Dated: October 26, 2007  
New York, New York

  
BRITTANY VOGEL

State of New York - Department of State  
Receipt for Service

Receipt #: 200710260020  
Date of Service: 10/25/2007

Cash #: 200710260020  
Fee Paid: \$40 - CHECK

Service was directed to be made pursuant to: SECTION 306 OF THE BUSINESS  
CORPORATION LAW

Party Served: BNI CONSTRUCTION, INC.

Plaintiff/Petitioner:  
CESARIO, JAVIER

Service of Process Address:  
BNI CONSTRUCTION, INC.  
300 W 147TH ST  
STE 1C  
NEW YORK, NY 10039

Secretary of State  
By CAROL VOGT

AO 440 (Rev. 8/01) Summons in a Civil Action

| <b>RETURN OF SERVICE</b>  |            |                                  |
|---|------------|----------------------------------|
| Service of the Summons and complaint was made by me <sup>(1)</sup>  | DATE       |                                  |
| NAME OF SERVER (PRINT)  | TITLE      |                                  |
| <i>Check one box below to indicate appropriate method of service</i>  |            |                                  |
| <input type="checkbox"/> Served personally upon the defendant. Place where served:  |            |                                  |
| <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.<br>Name of person with whom the summons and complaint were left: |            |                                  |
| <input type="checkbox"/> Returned unexecuted:   |            |                                  |
| <input type="checkbox"/> Other (specify):   |            |                                  |
| <b>STATEMENT OF SERVICE FEES</b>  |            |                                  |
| TRAVEL  | SERVICES   | TOTAL \$0.00                     |
| <b>DECLARATION OF SERVER</b>  |            |                                  |
| I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.                                      |            |                                  |
| Executed on _____   | Date _____ | <i>Signature of Server</i> _____ |
| <i>Address of Server</i> _____  |            |                                  |

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.